

ENTERED

May 28, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSEPH RAY CAZARES,
(SPN #02144487)

Plaintiff,

v.

THE STATE OF TEXAS,

Defendant.

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CIVIL ACTION NO. H-19-1407

MEMORANDUM AND ORDER

Joseph Ray Cazares, a pretrial detainee at the Harris County Jail, filed this lawsuit under 42 U.S.C. § 1983, alleging violations of his civil rights. He is representing himself.

On April 19, 2019, the court denied Cazares's motion for leave to proceed without prepaying the \$350.00 filing fee for indigent litigants because he failed to include a certified copy of his inmate trust fund account statement. (Docket Entry No. 4). The court ordered Cazares to submit a properly supported motion to proceed without prepaying the filing fee by May 20, 2019. That order expressly warned Cazares that his failure to comply as directed would result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

Cazares has not complied with the court's order. Cazares's failure supports dismissal for want of prosecution. *See* FED. R. CIV. P. 41(b); *see also Slack v. McDaniel*, 529 U.S. 473, 489 (2000) ("[t]he failure to comply with an order of the court is grounds for dismissal with prejudice"); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may, on its own motion, dismiss an action for failure to prosecute or to comply with any court order). Cazares may seek relief from this order if he properly shows grounds, which at a minimum includes full compliance with the court's previous orders. *See* FED. R. CIV. P. 60(b).

This action is dismissed without prejudice, for want of prosecution.

SIGNED on May 28, 2019, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large loop at the end of the last name.

Lee H. Rosenthal
Chief United States District Judge